

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MONIR A. GEORGE,	§
	§
Defendant Below-	§ No. 80, 2012
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0805035299
Plaintiff Below-	§
Appellee.	§

Submitted: March 2, 2012  
Decided: March 15, 2012

Before **HOLLAND, BERGER**, and **JACOBS**, Justices.

**ORDER**

This 15<sup>th</sup> day of March 2012, it appears to the Court that:

(1) On February 17, 2012, the Court received Monir George's notice of appeal from a Superior Court Commissioner's report, dated January 13, 2012, recommending denial of his motion for postconviction relief. The Senior Court Clerk issued a notice to George to show cause why the appeal should not be dismissed as an impermissible interlocutory appeal in a criminal case.<sup>1</sup>

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<sup>1</sup> See *Johnson v. State*, 884 A.2d 475 (Del. 2005).

(2) George filed a response to the notice to show cause on March 2, 2012. His response does not address the interlocutory nature of the appeal but appears to argue why the Court should consider his objections to the Commissioner's report as timely-filed.

(3) Unfortunately, the Court has no jurisdiction over this interlocutory appeal.<sup>2</sup> George's right to review of the Commissioner's Report and Recommendation is to a judge of the Superior Court in the first instance.<sup>3</sup> Once the Superior Court issues a final order in George's case, he will have the right to file a notice of appeal within thirty days of that final order.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>2</sup> See Del. Const. art IV, § 11(1)(b).

<sup>3</sup> Del. Super. Ct. Crim. R. 62(a)(5)(iv) (2012).